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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**ORDINARY ORIGINAL CIVIL JURISDICTION**

**NOTICE OF MOTION NO.1934 OF 2006**
**IN**
**INCOME TAX APPEAL (LOD) NO.862 OF 2006**

The Commissioner of Income Tax ..Appellant.

V/s.

M/s.Blue Dart Express Ltd. ..Respondent.

Mr.B.M.Chatterji with P.P.Bhosale for appellant.

Mr.P.S.Tripati for respondent.

**CORAM : F.I.REBELLO AND**
**J.P.DEVADHAR, JJ.**

**DATED : 16TH OCTOBER, 2007.**

**P.C. :-**

There is a delay of 274 days in preferring the appeal. There is a an affidavit in support. The I.T.A.T. order dated 15/2/2005 was received on 13/4/2005. The Chief CIT's granted approval on 20/7/2005 and the file was sent to the Ministry of Law on 22/7/2005. The last date for filing the appeal was 10/8/2005. It is then pointed out that litigation matters were taken over by the department from Ministry of Law with effect from 1/12/2005, Advocate had to be appointed and procedural delay has been explained till the filing of the appeal on 11/5/2006. Considering the cause shown in the affidavit of Mr.Arun V.Umate, in our opinion, the same would amount to sufficient cause. Hence delay is condoned. Motion is made absolute in terms of prayer clause (a). Office to register the appeal.

**(J.P.DEVADHAR, J.)** **(F.I.REBELL0, J.)**